

**REMARKS**

The Office Action dated May 22, 2008, has been received and carefully considered. In this response, claims 1-3, 6-8, 10, 11, 13-16, 21-25, 28, and 29 have been amended. No new matter has been added. Entry of the amendments to claims is respectfully requested. Reconsideration of the current rejections in the present application is also respectfully requested based on the following remarks.<sup>1</sup>

**I. THE EXAMINER INTERVIEW**

At the outset, the undersigned thanks Examiners Gu and Bragdon for the courtesies extended during the Examiner Interview conducted on October 23, 2008. During the Examiner Interview, agreement was reached as to an amendment to independent claim 1 to overcome the pending rejection of independent claim 1 under 35 U.S.C. § 102 in view of Wu. Thus, claim 1 has been amended herein to reflect the agreement reached, as well as to further clarify the claimed invention.

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<sup>1</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

Independent claims 14, 21, and 23 have been similarly amended, and several dependent claims have been amended to insure proper antecedent basis in view of the amendments to the independent claims.

II. THE ANTICIPATION REJECTION OF CLAIMS 1-10, 13-19, and 21-29

Claims 1-10, 13-19, and 21-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,981,114 ("Wu"). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re King, 801 F.2d 1324, 1326 (Fed. Cir. 1986). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Celeritas Tech., Ltd., v. Rockwell Int'l Corp., 150 F.3d 1354, 1361 (Fed. Cir. 1998). "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533 (Fed. Cir. 1985). Such possession is effected only if one of ordinary skill in the art could have

combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id.

Regarding independent claims 1, 14, 21, and 23, the Examiner asserts that Wu discloses the claimed invention. Applicants respectfully disagree. However, in order to forward the present application toward allowance, Applicant has amended claims 1, 14, 21, and 23 to more specifically define the claimed invention, and specifically those features that differentiate the claimed invention from Wu, as well as the other cited references. As discussed above, Applicants' counsel and Examiners Gu and Bragdon reached agreement as to an amendment to claim 1 to overcome the pending rejection of claim 1 in view of Wu. The amendments to claims 1, 14, 21, and 23 reflect the agreement reached, as well as further clarify the respectively claimed inventions. In view of the foregoing, it is respectfully that claims 1, 14, 21, and 23, as amended, are allowable over Wu.

Regarding claims 2-10, 13, 26, and 27, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2-10, 13, 26, and 27 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, claims 2-10, 13, 26, and 27 recite additional features which are not disclosed,

or even suggested, by the cited references taken either alone or in combination.

Regarding claims 15-19 and 28, these claims are dependent upon independent claim 14. Thus, since independent claim 14 should be allowable as discussed above, claims 15-19 and 28 should also be allowable at least by virtue of their dependency on independent claim 14. Moreover, claims 15-19 and 28 recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claim 22, this claim is dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claim 22 should also be allowable at least by virtue of their dependency on independent claim 21. Moreover, claim 22 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claims 24, 25, and 29, these claims are dependent upon independent claim 23. Thus, since independent claim 23 should be allowable as discussed above, claims 24, 25, and 29 should also be allowable at least by virtue of their dependency on independent claim 23. Moreover, claims 24, 25, and 29 recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the anticipation rejection of claims 1-10, 13-19, and 21-29 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 11, 12, AND 20

Claims 11, 12, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in further view of "UNIX in a Nutshell" ("Gilly"). This rejection is hereby respectfully traversed.

It is respectfully submitted that the aforementioned obviousness rejection of claims 11, 12, and 20 has become moot in view of the deficiencies of the primary reference (i.e., Wu) as discussed above with respect to independent claims 1 and 14. That is, claims 11 and 12 are dependent upon independent claim 1 and thus inherently incorporate all of the limitations of independent claim 1. Similarly, claim 20 is dependent upon independent claim 14 and thus inherently incorporate all of the limitations of independent claim 14. Also, the secondary reference (i.e., Gilly) fails to disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 1 and 14. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary reference with the primary reference also fails to

disclose, or even suggest, the deficiencies of the primary reference as discussed above with respect to independent claims 1 and 14. Accordingly, claims 11, 12, and 20 should be allowable over the combination of the secondary reference with the primary reference at least by virtue of their dependency on independent claims 1 and 14. Moreover, claims 11, 12, and 20 recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the obviousness rejection of claims 11, 12, and 20 be withdrawn.

#### IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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